

CHAPTER NO. 214**HOUSE BILL NO. 100**

By Representatives Harry Brooks, Gresham, McDonald

Substituted for: Senate Bill No. 788

By Senators Burchett, Miller, Black, Williams, Cooper and Mr. Speaker Wilder

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 5, relative to the offense of littering.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-502, is amended by deleting the section in its entirety and substituting instead the following:

(a) A person commits criminal littering who:

(1) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;

(2) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway; or

(3) Negligently discharges sewage, minerals, oil products or litter into any public waters or lakes within this state.

Nothing in this subsection (a) shall be construed to prevent prosecution or conviction under other applicable laws.

(b) Criminal littering is a Class A misdemeanor punishable only as provided in subsection (c).

(c)

(1) For conviction of a first offense, a person violating the provisions of this section shall be fined five hundred dollars (\$500) and be required to remove litter from the state or local highway system, public playgrounds, public parks or other appropriate public locations for not less than forty (40) hours nor more than six (6) months. For conviction of a second or subsequent offense, a person violating the provisions of this section shall be fined one thousand five hundred dollars (\$1,500) and be required to remove litter from the state or local highway system, public playgrounds, public parks or other appropriate public locations for not less than eighty (80) hours nor more than six (6) months.

(2) In addition to the mandatory minimum penalties established in subdivision (c)(1), the court may in its discretion require a person convicted under this part to:

(A) Remove any substance listed under subsection (a) which was dropped, placed or discharged by the person and restore the property or waters damaged by the littering to its former condition at the person's expense; and/or

(B) Work in a recycling center or other appropriate location for any stated period of time not to exceed six (6) months.

(d)

(1) Any person who reports information to a law enforcement officer that leads to the apprehension and conviction of a person for a violation of this section shall receive a reward of two hundred fifty dollars (\$250). The county where the conviction occurs shall provide the reward money from the proceeds of the mandatory fines collected under the provisions of subsection (c).

(2) The proceeds from the mandatory fines for criminal littering shall be collected by the respective court clerks and then deposited in a dedicated county fund. Such fund shall not revert to the county general fund at the end of a fiscal year but shall remain for the litter enforcement rewards established in subdivision (d)(1).

(3) Each county shall expend the funds generated by the mandatory fines provided for in this section by appropriation for the litter enforcement rewards. Excess funds, if any, may be expended for other litter control programs on adoption of an appropriate resolution by the county legislative body.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

PASSED: May 12, 2005


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of May 2005


PHIL BREDESEN, GOVERNOR